REMARKS

As noted previously, the Applicants appreciate the Examiner's thorough examination of the subject application.

Claims 1, 5-13, 26, 28, 29 and 33 remain in the application. Claims 2-4, 14-25, 27, 30-32 and 34-36 have been cancelled. In the Office Action mailed 02 April 2008, claims 1, 5-13, 26, 28, 29, and 33, were rejected as described in further detail below. In the claim listing herein, claim 1 is amended for grammatical reasons. No new matter has been added.

Applicants respectfully request reconsideration and further examination of the application based on the foregoing listing of claims and the following remarks.

Claim Rejections – 35 U.S.C. § 103

Concerning items 4-5 of the Office Action, claims 1, 5-13, 26, 28, 29, and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,725,194 to Bartosik et al. ("Bartosik") in view of U.S. Patent No. 6,246,981 to Papineni et al. ("Papineni"). Applicants respectfully traverse this rejection and request reconsideration for the following reasons.

One requirement for a rejection under 35 U.S.C. § 103(a) is that proper motivation must exist to modify or combine the teachings of the references in the way proposed by the Examiner.

In this situation, and without acceding to the presence of other necessary requirements under 35 U.S.C. § 103(a), proper motivation does not exist to combine or modify the teachings of the references as proposed by the Examiner for the rejection. Therefore, the rejection is improper, as is explained in detail below.

In contrast with the claimed subject matter, Bartosik teaches a speech recognition device including speech recognition means arranged for recognizing text information (RTI) corresponding to received voice information (AI) by evaluating the voice information (AI) and a speech coefficient indicator (SKI, PRI, SMI, WI), and including correction means for correcting the recognized text information (RTI) and for producing corrected text information (CTI), and included text comparing

means for comparing the recognized text information (RTI) with the corrected text information (CTI) and for determining at least a correspondence indicator (CI) and the adjusting means are provided for adjusting the stored speech coefficient indicator (SKI, PRI, SMI, WI) by evaluating only one of such text parts (P2) of the corrected text information (CTI) whose correspondence indicator (CI) has a minimum value (MW). *See* Bartosik, *e.g.*, Abstract

For the rejection, the Examiner stated that Bartosik teaches, *inter alia*, "an accuracy determination device . . . and to flag said audio response so as to produce a flagged audio response for further review by a human operator," citing Bartosik at col. 6, lines 7-16 and col. 9, lines 1-62.

As was explained in Applicants' previous paper, Bartosik actually teaches systems and methods that functions similar to a dictation machine. *See, e.g.*, Bartosik, col. 3, lines 8-11 ("FIG. 1 shows a computer 1 by which a speech recognition program according to a speech recognition method is run, which computer 1 forms a dictating machine with a secondary speech recognition device.") Applicants note that Bartosik relies upon a user reading all recognized text information to determine erroneous recognitions, and because of such actually teaches away from the Applicants' claims.

Applicants contend that attributing a flag, as the claimed systems and methods do, to a portion of speech not matching a response from a set of anticipated responses does not read on or correlate to attributing a sliding scale factor to such portion of speech as taught by Bartosik.

The secondary reference, Papineni, further contrasts with Applicants' claims by being directed to a speech recognition and synthesis system including a natural language task-oriented dialog manager.

It is pointed out that for such, Papineni teaches only a general text-to-speech synthesizer. For example, Papineni merely teaches that "hub 10 passes speech data to the speech recognizer 20 which in turns passes the recognized text back to the hub." *See* Papineni, col. 7, lines 66-67.

Papineni even goes as far as stating its invention focuses on the dialog manager and script and not the described speech recognizer or text-to-speech synthesizer. *See* Papineni, col. 8, lines 12-

18. Papineni clearly does not teach or suggest, *e.g.*, flagging an audio response in the event a predetermined confidence parameter is not met.

For the rejection, the Examiner correctly admits that Bartosik does not explicitly teach a querying device for posing at least one query to a respondent and that the communication device utilized is a telephone. In an attempt to cure these admitted deficiencies, the Examiner cites Papineni, giving the following ostensible motivation for the combination: "Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Papineni's teaching in the invention of Bartosik because Papineni teaches his invention provides a more versatile interface for interfacing with users (col. 1, lines 9, 10)."

The Examiner's logic, however, is seen as being incorrect as Papenini itself does not teach operation with a stand alone dictation machine and Bartosik itself explains a key difference between it and Applicants' claims: namely, that the systems and methods of Bartosik derive a numerical value (the correspondence indicator CI) that is used for the adjustment of a speech coefficient indicator SKI during operation in a training mode – this correspondence indicator (CI) is not used to flag an audio response in the way claimed by Applicants:

> Furthermore, the text comparing means 52, when comparing the recognized text information RTI and the corrected text information CTI, are provided for determining a correspondence indicator CI for each text part. The text comparing means 52 then determine how many matching words featured by a grey field a text part contains. Furthermore, the text comparing means 52 determine penalty points for each text part, with one penalty point being awarded for each insertion, deletion or substitution of a word in the corrected text information CTI. The correspondence indicator CI of the text part is determined from the number of the corresponding words and penalty points of a text part.
>
> In the text comparing means 52 is determined a minimum value MW for the correspondence indicator CI, which minimum value is fallen short of when for a text part more than three penalty points are awarded for corrections of adjacent words of the corrected text information CTI. For the adjustment of the speech coefficient indicator SKI, only text parts are used whose correspondence indicator CI exceeds the minimum value MW.

(Bartosik, col. 9, lines 43-62) [Emphasis added]

Bartosik further explains that the adjustment of the SKI occurs in a training mode – not a normal use mode:

> When the initial training mode is activated, the text processing means 47 are arranged for reading out the training text information TTI from the training-text memory means 47 and for feeding respective picture information PI to the monitor 4. A user can then utter the training text displayed on the monitor 4 into the microphone 6 to adjust the speech recognition device to the user's type of pronounciation [sic].
>
> The speech recognition device has adjusting means 50 for adjusting the speech coefficient indicator SKI stored in the speech-coefficient memory means 38 to the type of pronounciation [sic]of the user and also to words and word sequences commonly used by the user. The text memory means 43, the correction means 49 and the adjusting means 50 together form the training means 51. Such an adjustment of the speech coefficient indicator SKI takes place when the initial training mode is activated in which the training text information TTI read by the user is known.
>
> Such an adjustment, however, also takes place in an adjustment mode in which text information corresponding to voice information is recognized as recognized text information RTI and is corrected by the user into corrected text information CTI. For this purpose, the training means 51 include text comparing means 52, which are arranged for comparing the recognized text information RTI with the corrected text information CTI and for determining at least a correspondence indicator CI. In the text comparing means 52 an adjustment table 53 shown in FIG. 4 is established when the adjustment mode is on, which table will be further explained hereinafter.
>
> (Bartosik, col. 6, line 47 through col. 7, line 9.) [Emphasis added]

Because of such, Applicants submit that Bartosik and Papenini teach away from Applicants' claims.

Because of at least the foregoing reasons, the cited combination of Bartosik and Papineni (regardless of whether the references are considered together or separately) is an improper basis for a rejection of claims 1, 5-13, 26, 28, 29, and 33 under 35 U.S.C. § 103(a); Applicants request that the rejection of these claims be removed accordingly.

Applicants reassert that proper motivation is not given when one or more of the references teach away from the structure/modification suggested by the Examiner, as is the present case concerning the Bartosik reference relative to the claims of the subject application.

Conclusion

In view of the remarks submitted herein, Applicants respectfully submit that all of the claims now pending in the subject application are in condition for allowance, and therefore request a Notice of Allowance for the application.

Authorization is hereby given to charge any required fees, including those for the Request for Continued Examiner (RCE) under 37 CFR § 1.114 submitted herewith and for the fee for a Petition for Extension of Time (one month) under 37 CFR § 1.136, and to credit any overpayments to deposit account No. 50-1133.

If the Examiner believes there are any outstanding issues to be resolved with respect to the above-identified application, the Examiner is invited to telephone the undersigned at his earliest convenience so that such issues may be resolved.

Respectfully submitted,

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